

Entered - 12-28-01 - sb
CL 01L0048 - GWENDOLYN BURNS

CLAIM OF: **LUKE W. DESHOTELS**
21 Willow Glenn Drive
Marietta, Georgia 30068

01- *R*-0258

For vehicular damages alleged to have been sustained as a result of an automobile accident on July 23, 2000 at Interstate 75/85 North.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **LUKE W. DESHOTELS** the sum of **\$1,643.91** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on July 23, 2000 at Interstate 75/85 North as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY:


ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0048

Date: February 14, 2001

Claimant /Victim LUKE W. DESHOTELS
BY: (Atty) (Ins. Co.) _____
Address: 21 Willow Glenn Drive, Marietta, Georgia 30068
Subrogation: _____ Claim for Property damage \$ 1,643.91 Bodily Injury \$ _____
Date of Notice: 12/28/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/23/00 Place: Interstate 75/85 North
Department POLICE Division: _____
Employee involved Charles Fulse Disciplinary Action: No Action Taken

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was struck by a city vehicle that made an "improper lane change". The City employee was cited for same.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver X Claimant Driver _____

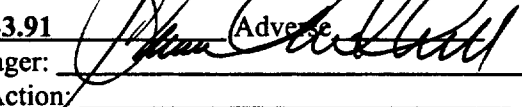
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,643.91  Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 02-15-01
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 11-18-00

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1281.11 property and/or \$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 7-23-00 (month/day/ year) 2. Time of Incident: 7:00 PM approx 3. Police called: ENTERED - 1-19-01 - SB 0110048 - GWEN BURNS Yes ☒ No ☐

4. Location of incident (including street address): I 75 just north of connector

5. Name of your insurance company: Geico Policy No. 310-05-54

6. State what and how incident occurred: Atlanta police car lost control and hit our front right side.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Ford 99 873HSD Kendall S. Deshotels
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Charles Fulse City court
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Luke W. Deshotels
Signature of Claimant

Luke W. Deshotels
(Print Claimant's Name)

21 Willow Glenn Dr.
(Address)

Marietta GA 30068
(City, State and Zip Code)

(4) 346-8382 (7) 509-1765
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0048

\$ 1,643.91

IN CONSIDERATION of the sum of ONE THOUSAND, SIX HUNDRED FORTY-THREE AND 91/100 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Charles Fulse, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 23rd day of July, 2000 at or near Interstate 75 - Northbound.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 24th day of February, 2001.

Luke W. Deshotels (LS)
LUKE W. DESHOTELS

The above release was read and explained to, and signed by the said Luke W. Deshotels
(Luke W. Deshotels)

in our presence on the date above written.

WITNESSES
2/4/01
2/4/01

01-R-0258